

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DERRIK MICHAEL BLANTON,

No. 2:23-cv-2987 DB P

Plaintiff,

ORDER

v.

D.O.J., et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action under 42 U.S.C. §1983. After the court ordered plaintiff to file a motion to proceed in forma pauperis or pay the filing fee, plaintiff filed two motions to proceed in forma pauperis. (ECF Nos. 9, 16.) Plaintiff did not sign either of his motions to proceed in forma pauperis or his complaint. In an order filed March 6, 2024, this court informed plaintiff that if he wishes to proceed, he must file signed a signed complaint and a signed motion to proceed in forma pauperis. (ECF No. 20.)

Shortly thereafter, plaintiff's mother brought a document to the Office of the Clerk. In it she stated, among other things, that plaintiff is at risk of being killed by enemies, that he is not receiving necessary medical care, and that the prison is testing some sort of weapons on him, which amounts to torture. Since plaintiff's complaint was filed here on December 21, 2023, in addition to his two motions to proceed in forma pauperis, plaintiff has filed eighteen documents. This court continues to be unable to discern the purpose of most of these filings. In the most

1 recent filing, it appears that plaintiff is alleging that a doctor implanted five or six cochlear
2 implants through which the government is trying to force him to give them drug money, doctors
3 have falsified his medical records, and he is being tortured. (ECF No. 26.)

4 Based on the allegations of plaintiff and of his mother, and out of an abundance of
5 caution, on March 8 this court ordered a representative of the Attorney General's Office to
6 contact the litigation coordinator at R.J. Donovan Correctional Facility where plaintiff is
7 incarcerated to inquire about plaintiff's safety, whether plaintiff is currently in need of medical
8 care, and what sort of treatment, if any, plaintiff is currently receiving for any health issues,
9 including mental health issues and to file a report with the court. (ECF No. 21.) A representative
10 of the Attorney General's Office filed that report. This court ordered it filed under seal to protect
11 confidential and sensitive information relating to plaintiff. (ECF Nos. 23, 24.)

12 As stated previously, this court finds most of plaintiff's allegations, and those he
13 communicated to his mother, incredible. The report provided by the litigation coordinator shows
14 that plaintiff is receiving mental health care, is currently in restricted housing, and prison staff are
15 investigating plaintiff's safety concerns. This court finds no basis to take any action based on
16 plaintiff's many recent filings.

17 This court's March 6 order remains in effect. If plaintiff wishes to proceed with this case,
18 he must file a signed complaint and a signed motion to proceed in forma pauperis. Plaintiff will
19 be given one more opportunity to file those documents. Plaintiff is again warned that his failure
20 to comply with this order will result in recommendation that this case be dismissed.

21 Accordingly, IT IS HEREBY ORDERED as follows:

22 1. Within thirty days of the date of this order, plaintiff shall file a signed complaint and a
23 signed motion to proceed in forma pauperis.

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1 2. If plaintiff fails to file a signed complaint and a signed motion to proceed in forma
2 pauperis, this court will recommend this action be dismissed without prejudice.

3 Dated: March 27, 2024

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5 DEBORAH BARNES
6 UNITED STATES MAGISTRATE JUDGE

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